

PUBLIC NOTICE
INTENT TO ADOPT A NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

File No. GP07-10-01: A General Plan Amendment request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Medium Low Density Residential (8 DU/AC) on a 1.82-acre site located on the east side of Almaden Expressway, approximately 300 feet northerly of Fleetwood Drive (6082 Almaden Expressway).

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Negative Declaration for the proposed project on **April 6, 2010**, and to provide an opportunity for public comments on the draft Negative Declaration. The public review period for this draft Negative Declaration begins on **March 17, 2010** and ends on **April 6, 2010**.

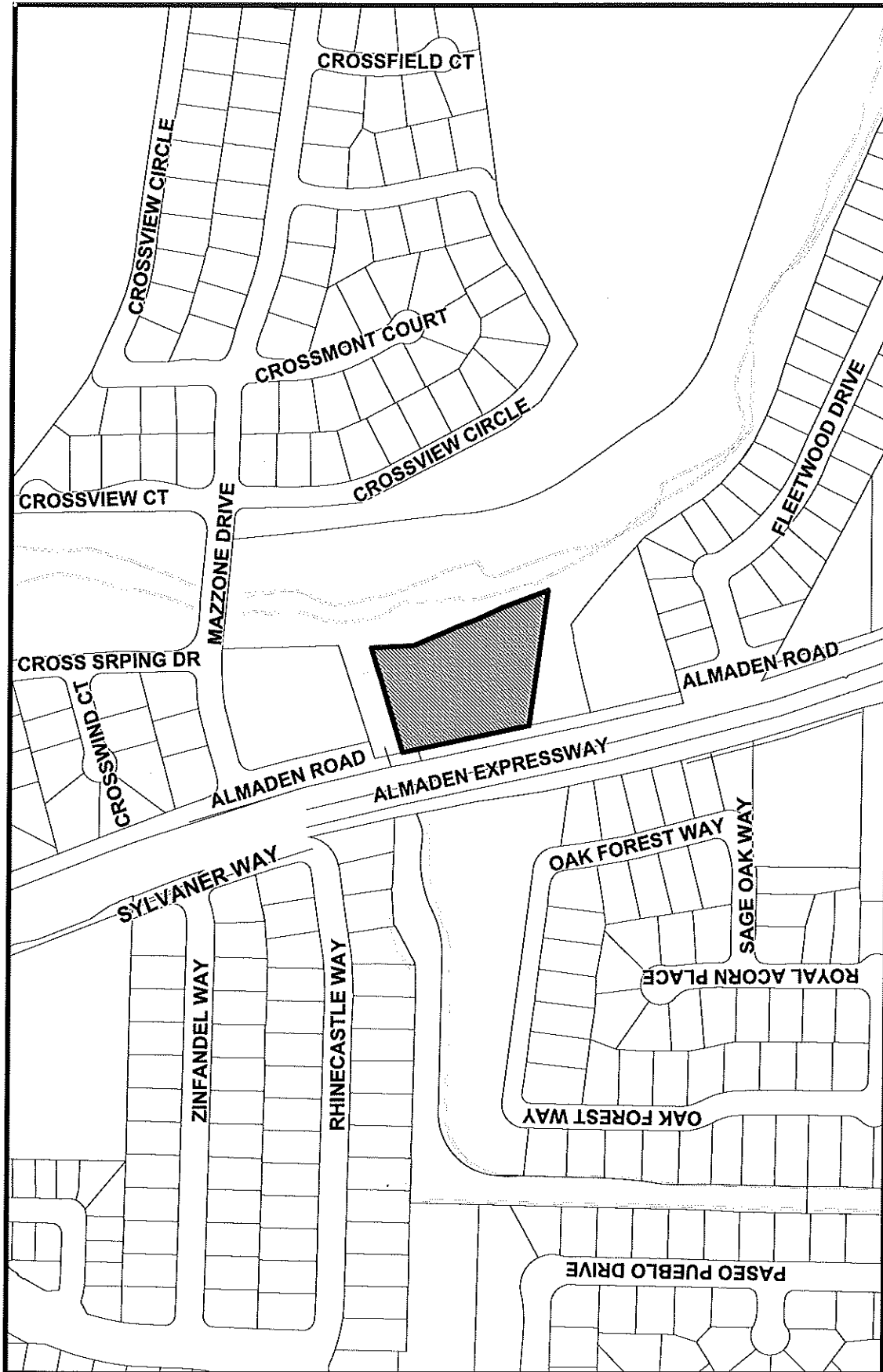
A public hearing on the project described above is tentatively scheduled for **April 7, 2010 at 6:30 p.m.** in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Almaden Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Lesley Xavier** at (408) 535-7852 or e-mail at lesley.xavier@sanjoseca.gov.

Joseph Horwedel, Director
Planning, Building and Code Enforcement



Deputy

Circulated on: March 17, 2010



File No: GP07-10-01

District: 10

Quad No: 141

Scale: 1"= 300'

Map Created On: 08/07/2007

Noticing Radius: 500 feet



**DRAFT
NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Mazzone General Plan Amendment

PROJECT FILE NUMBER: GP07-10-01

PROJECT DESCRIPTION: A General Plan Amendment to change the San Jose 2020 General Plan Land Use/Transportation Diagram land use designation from Very Low Density Residential (2.0 DU/AC) to Medium Low Density Residential (8.0 DU/AC) on a 1.82 gross acre site.

Previously, an associated Planned Development Rezoning (File No. PDC07-058) to rezone the site from A Agriculture to A (PD) Planned Development in anticipation of a future subdivision of nine residential lots and one common lot was a part of the project. That rezoning application has been withdrawn and there is no longer a proposed development for the site. Therefore, this ND does not discuss development specific impacts.

PROJECT LOCATION & ASSESSORS PARCEL NO.: 6082 Almaden Expressway. The east side of Almaden Expressway, approximately 300 feet northerly of Fleetwood Drive; Assessor's Parcel Number 696-01-020.

COUNCIL DISTRICT: 10

APPLICANT CONTACT INFORMATION: Benjamin Mazzone and Tom Mazzone, 939 Larissa Court, San Jose, CA 95136

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IV. BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- V. CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VI. GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VII. HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VIII. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IX. LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- X. MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XII. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIV. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- XV. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.

Any future development will need to analyze environmental impacts if access to the site is taken via a bridge over Golf Creek. Access to the site may also occur via an acceleration/deceleration lane from Almaden Expressway or from the extension of Fleetwood Drive.

- XVI. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- XVII. MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.


PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **April 6, 2010**, any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: March 17, 2010


Deputy

Adopted on: _____

Deputy

Revised 10..20.08 sbw

PUBLIC HEARING NOTICE

The Planning Commission and the City Council of the City of San José will consider a change in **GENERAL PLAN AMENDMENT** at a public hearing in accordance with the San José Municipal Code on:

Planning Commission Hearing

Wednesday, April 7, 2010

6:30 p.m.

City Council Chambers

City Hall

200 East Santa Clara Street

San Jose, CA 95113

The Planning Commission actions/synopsis will be available for review on our web-site 24-48 hrs after the hearing. Please visit:
www.sanjoseca.gov/planning/hearings/planning_com.asp

City Council Hearing

Tuesday, April 27, 2010

7:00 p.m.

City Council Chambers

City Hall

200 East Santa Clara Street

San Jose, CA 95113

www.sanjoseca.gov/clerk/agenda.asp

The project being considered is:

File No. GP07-10-01. General Plan Amendment request to change the San Jose 2020 General Plan, Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Medium Low Density Residential (8 DU/AC) on a 1.82-acre site, located on the east side of Almaden Expressway, approximately 300 feet northerly of Fleetwood Drive (6082 Almaden Expressway) (Mazzone Benjamin W Trustee & Et Al, Owner). Council District 10. SNI: None. CEQA: Draft Negative Declaration.

Reports, drawings, and documents are available for review from 9:00 a.m. to 5:00 p.m., Monday through Friday, and a draft staff report and recommendations will be available for review seven calendar days prior to the public hearing at:

Department of Planning, Building and Code Enforcement

200 East Santa Clara Street, 3rd Floor Tower

San José, CA 95113

(408) 535-7800

www.sanjoseca.gov/planning/hearings/

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-7800 or (408) 294-9337 (TTY) at least two business days before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 535-7883 và đọc số dự án GP07-10-01. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709, e indique el número de proyecto GP07-10-01.**

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Lesley Xavier**, at e-mail address: lesley.xavier@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.

Dated: March 11, 2010

Noticing Radius: 1,000 ft